

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 12, 1998

DIVISION FOUR

B109247 People (Not for Publication)
v.
Scherrer

The Court:

For the foregoing reasons, the orders doubling the minimum period of confinement for second degree murder and directing the payment of restitution to the victim's family through the parole officer are stricken. As modified, the judgment is affirmed. The trial court is directed to prepare an Amended Abstract of Judgment reflecting the modified sentence and to forward it to the Director of Corrections.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

[illegible]

The Court:

Accordingly, we affirm appellant's conviction of the current charges and remand, pursuant to the holding of *People v. Monge*, supra, 16 Cal.4th 826, for retrial of the prior conviction allegation and for resentencing thereafter. This disposition renders moot the parties' contentions concerning the judgment and the Abstract of Judgment.

Vogel (C.S.), P.J., Hastings, J., Baron, J.

January 12, 1998-Continued

DIVISION FOUR (Continued)

[illegible]

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B105836 People (Not for Publication)
v.
Blackburn

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Baron, J.

B107589 People (Not for Publication)
v.
Legnon

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Baron, J.

DIVISION FOUR (Continued)

B106802 People (Not for Publication)
v.
Edge

The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting: (1) in counts 3 and 4, defendant was convicted of violating Penal Code section 288a, subdivision (c); and (2) the award of 327 days of custody credit is based upon 285 days actually served and 42 days conduct credit. In all other respects, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B109201 People v. Harrison
B110096 People v. Michael A. Vera
B110701 People v. Claudio
B111007 People v. Anna Brown
B113147 Jurosek v. Brown et al.
B110618 People v. Adrian Galvan
B108061 People v. Troupe
B106003 People v. Alan Kidd
B112491 People v. Chavez
B111203 People v. Guilford
B109068 People v. Claudio
B110067 People v. Cesar Abarca

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B107095 The People
 v.
 Eduardo Aceves

Merits:

Argued by Robert W. Gehring for appellant and by Brad D. Levenson, Deputy Attorney General, for respondent. Cause submitted.

B110792 Linda Susan Newton
 v.
 Willard W. Shepherd

Merits:

Argued by Carroll A. McCortney for appellant and by Robert W. Gehring for respondent. Cause submitted.

B106371 The People
 v.
 Anthony Vasquez &
 Michael R. Wilbert

Merits:

Argued by A.J. Ktuchins and Marcia Levine for appellants and by Corey Robbins, Deputy Attorney General for respondent. Cause submitted.

B112623 Estate of Dubin
 v.
 Maxine Dunitz

Merits:

Argued by Marvin Goodson for appellant and no appearance for respondent. Cause submitted.

DIVISION FIVE (Continued)

B110609 The People
 v.
 Richard Woodry

Merits:

Argued by Moira J. Curry, Deputy District Attorney for appellant and by Terri Towery, Deputy County Public Defender for respondent. Cause submitted.

B109893 Barry J. Feldman
 v.
 Ahmad Mazahri

Merits:

Argued by Barry J. Feldman, in propria persona, and by Michael Harris for respondent. Cause submitted.

B104656 Dennis Wood
 v.
 Berglund & Johnson

Merits:

Argued by Lisa K. Garner for appellant and by David R. Cadwell for respondent. Cause submitted.

Court recessed.

Court reconvened at 1 p.m.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk, Deputy Clerk.

Each of the following:

B105427 Barghi v. Westec Sec. Co.
B108907 Villamar v. County of L.A.
B117937 M., Mary v. S.C.L.A. (DCS)
B115659 J., Mary v. S.C.L.A. (DCS)

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B114280 Shea-Kiewit-Kenny
 v.
 Los Angeles County Metro Transit Authority

Merits:
Argued by Patrick J. Duffy for appellant and by Elwood G. Lui for
respondent. Cause submitted.

B109430 Estate of Jorgensen
 Mark F. Morris
 v.
 Internal Revenue Service

Merits:
Argued by William W. Holcomb for appellant and no appearance for
respondent. Cause submitted.

B102938 Stefan Bostanian et al.
 v.
 Liberty Savings Bank

Merits:
Argued by Vic Rodriguez for appellant and by T. Robert Finley for
respondent. Cause submitted.

B109984 Law Offices of Ian Herzog et al.
 v.
 Law Offices of Joseph M. Fredric et al.

Merits:
Argued by William Cleary, Jr. for appellant and by Amy Ardell for
respondent. Cause submitted.

DIVISION FIVE (Continued)

B113924 Law Offices of Ian Herzog et al.

v.

Law Offices of Joseph M. Fredrics et al.

Merits:

Argued by Amy Ardell for appellant and by Earl H. Fagin for respondents.
Cause submitted.

B105031 CindyLou Prince-Herbert

v.

Peter H. Friedman

Merits:

Argued by Peter H. Friedman, in propria persona and by Lorraine M.
Pavlovich for respondent. Cause submitted.

B095932 First Pacific Bancorp, Inc.

v.

Allen Lawrence & Assocs, Inc.

Merits:

Argued by Roy G. Weatherup for appellant and by Russell Berney for
respondent. Cause submitted.

B106909 First Pacific Bancorp, Inc.

v.

Crump E & S Insurance Services

Merits:

Argued by Russell L. Berney for appellant and by Gina Brown, William V.
Mctaggart and Travis R. Jack for respondents. Cause submitted.

DIVISION FIVE (Continued)

B106885 The People
v.
John Martinez

Merits:

Argued by Martin Kassman for appellant and by Jason Tran for respondent.
Cause submitted.

Court adjourned.

DIVISION SIX

B111645 Stein (Not for Publication)
v.
Department of Motor Vehicles

The order of the trial court is reversed. This case is remanded to the trial court with directions to enter an order denying respondent's petition for a writ of mandate and reinstating the DMV's suspension order. The parties are to bear their own costs on appeal.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B114254 San Luis Obispo County DPSS (Not for Publication)
v.
Joseph D. et al.

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

January 12, 1998-Continued

DIVISION SIX (Continued)

B108441 Montecito Avacado Ranch (Not for Publication)
v.
State of California

The judgment is reversed. Costs are awarded to appellant.

Gilbert, J.

We concur: Stone, P.J.
Coffee, J.

DIVISION SEVEN

B098470 Gamage (Certified for Publication)
v.
Medical Board of California et al.

The judgment is reversed only insofar as it reduced appellant Board's cost recovery by \$3,937.15. The trial court is ordered to enter a new judgment increasing costs allowed by that sum. In all other respects, the judgment is affirmed. Appellant shall recover costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B104030 Zavala (Not for Publication)
v.
Bomel Construction Co., Inc.

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

January 12, 1998-Continued

DIVISION SEVEN (Continued)

B095895 Zavala (Not for Publication)
v.
Turner Construction Co., et al.

The summary judgment in favor of respondents is affirmed. Respondents shall recover their costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Woods, J.